



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

COPY MAILED

APR 19 2005

OFFICE OF PETITIONS

In re Application of
Tal Cohen, Paul Giammatteo,
John Edwards, Uri Rapoport and
Naim Levi
Application No. 10/751,551
Filed: January 5, 2004
Attorney Docket No. FOM-140.01
Title: NMR PROBE WITH FLOW
RESTRICTION ELEMENT

DECISION REFUSING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the PETITION UNDER 37 C.F.R. § 1.47(a)
filed November 9, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of
this decision to reply, correcting the below-noted deficiencies.
Any reply should be entitled "Request for Reconsideration of
Petition Under 37 C.F.R. §1.47(b)," and should only address the
deficiencies noted below, except that the reply may include an
oath or declaration executed by the non-signing inventor.
Failure to respond will result in abandonment of the application.
Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on January 5, 2004,
with an application data sheet identifying as joint inventors
Tal Cohen, Paul Giammatteo, John Edwards, Uri Rapoport and
Naim Levi. However, no oath or declaration was filed.
Accordingly, on April 9, 2004, the Office mailed a Notice to File
Missing Parts of Application requiring an executed oath or
declaration and a surcharge for its late filing. This Notice set
a two month period for reply with extensions of time obtainable
under § 1.136(a).

In response, applicants filed the instant petition with a
declaration executed by joint inventors Giammatteo and Edwards on
behalf of themselves and on behalf of non-signing joint inventors

A grantable petition under 37 C.F.R. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

However, the petition is not grantable because the declaration submitted is not in compliance with § 1.63(a) and (c)(1). 37 CFR § 1.63(a)(3) provides that an oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must identify the country of citizenship of each inventor. As stated in the Notice mailed November 18, 2004, the declaration filed November 9, 2004 does not identify the citizenship of each inventor, and thus, does not satisfy § 1.63(a). The requirement for each inventor's citizenship is statutory, and thus, cannot be waived.

Unless such information is supplied on an application data sheet in accordance with § 1.76, the oath or declaration must also identify:


The declaration submitted does not include the mailing address of each of the inventors. Such information is supplied on the application data sheet for all of the inventors, except inventor Levi. Thus, it is concluded that as to inventor Levi and the mailing address requirement of \$ 1.63(c), rule 47 applicants have not satisfied \$ 1.63(c)(1).

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By fax: (703) 872-9306
ATTN: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions